

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BIJU MUKRUKKATTU JOSEPH, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
v.	)	Civ. No. 1:13-cv-00324-RC-ZJH
	)	
SIGNAL INTERNATIONAL LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL RESPONSE TO BURNETT'S REASSERTED  
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)**

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*Attorneys for Plaintiffs*

Defendants Malvern C. Burnett, The Law Offices of Malvern C. Burnett, A.P.C., and Gulf Coast Immigration Law Center, L.L.C. (collectively “Burnett”) reasserted their Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) (ECF No. 69) for alleged failure to state a claim, arguing *inter alia* that Plaintiffs’ state law claims should be dismissed on statutes of limitations grounds because those limitations periods allegedly were not tolled during the pendency of the *David* putative class action, in which Plaintiffs were absent class members. *David v. Signal Int’l, LLC*, No. 2:08-cv-01220-SM-DEK (E.D. La.).

Burnett moved to reassert this motion (and a motion pursuant to Fed. R. Civ. P. 12(b)(2)) following this Court’s Order, dated January 16, 2014 (ECF No. 67), denying as moot all Motions to Dismiss filed by Burnett due to the filing of Plaintiffs’ Second Amended Complaint (ECF No. 64). In response, Plaintiffs reasserted all Responses and Sur-Replies in Opposition to Burnett’s reasserted Motions to Dismiss. (ECF No. 73.)

Plaintiffs now respectfully request that this Court grant them leave to file their Supplemental Response in Opposition to Burnett’s reasserted Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) based on information that is dispositive of one of Burnett’s arguments—Burnett through prior counsel in the *David* case agreed that all statutes of limitations for absent class members would be tolled while *David* remained a putative class.

DATED: March 25, 2014.

**SUTHERLAND ASBILL & BRENNAN LLP**

/s/ Daniella D. Landers

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2014, I electronically filed the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL RESPONSE TO BURNETT'S REASSERTED MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)** with the Clerk of the Court using the ECF system, which sent notification of an electronic filing to all CM/ECF participants.

I further certify that on March 25, 2014, I served a true and correct copy of the foregoing document upon the below-named Defendants by depositing a copy of same in the U.S. Mail, with sufficient postage thereon to insure delivery, and properly addressed as follows:

Michael Pol  
Global Resources, Inc.  
c/o William P. Wessler, Esq.  
William P. Wessler, Attorney at Law  
1624 24th Avenue  
Gulfport, MS 39501-2969

Mr. Billy Wilks  
9136 Heather Lane  
Moss Point, MS 39562

I further certify that on March 25, 2014, I served a true and correct copy of the foregoing document upon the below-named Defendants by forwarding a copy to them via International Mail, with sufficient postage thereon to insure delivery, and properly addressed as follows:

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/s/ Daniella D. Landers  
Daniella D. Landers

**CERTIFICATE OF CONFERENCE**

I hereby certify that on March 24-25, 2014, I conferred via e-mail with Timothy W. Cerniglia, counsel of record for Defendants Malvern C. Burnett, The Law Offices of Malvern C. Burnett, A.P.C., and Gulf Coast Immigration Law Center, L.L.C. (collectively “Burnett”) describing Plaintiffs’ proposed Motion for Leave to File Supplemental Response to Burnett’s Reasserted Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (the “Motion”). Mr. Cerniglia indicated that he does not oppose the Motion, but that he reserves the right (which Plaintiffs do not oppose) to respond to Plaintiffs’ Supplemental Response.

/s/ John H. Fleming  
John H. Fleming  
***Attorney for Plaintiff***